

No. 9/8/86-Lab./443.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Corocraft Footwear Ltd., 16/2, Mathura Road, Faridabad.

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No 416 of 1984

between

SHRI MUNESH PARSHAD, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S COROCRAFT FOOTWEAR LTD., 16/2, MATHURA ROAD, FARIDABAD

Present :—

Shri Amar Singh Sharma, for the workman.

Shri H. S. Kaushik, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Munesh Parshad and the respondent-management of M/s. Corocraft Footwear Ltd., 16/2, Mathura Road, Faridabad has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/148/84/41196—200, dated 19th November, 1984 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Munesh Parshad, was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the workman was employed in November, 1971 and his services were illegally terminated on 28th February, 1983. According to the claim statement, he was employed with the respondent. The respondent-management has changed its name in April, 1984 in Corocraft Paper, Faridabad. In the written statement, the management has denied that there is no relationship between M/s. Corocraft Papers and the respondent-management. M/s. Corocraft Footwear was started in February, 1982. He was never the employee of the respondent. M/s Corocraft came into existence in the year 1971. It was closed down in February, 1983. Now Corocraft Papers is in existence.

This claim was contested on the following issues :—

1. Whether the relationship of employer and employee does not exist between the parties?
2. Whether this Court has no jurisdiction?
3. As per reference?

I have heard the representatives of both the parties and gone through the evidence on record. All the issues are interconnected. Hence all the issues are decided together. My findings on the issues are as under :—

Issue Nos. 1 to 3 :

The workman has not been able to produce any evidence that he was employee of the respondent-management. He has himself admitted as WW-1 that he was employed by M/s, Corocraft Papers, Faridabad. He has further stated that from this Corocraft Papers he was transferred to M/s. Corocraft Footwear. He was terminated on 28th February, 1983. It has been proved by the management that this Corocraft Papers was closed on 28th February, 1983. The date on which the workman has alleged that his services were terminated. It is, therefore, clear that the workman was never taken to M/s. Corocraft Footwear who is the present respondent. It has been admitted that M/s. Corocraft Papers and M/s. Corocraft Footwear are lying closed at present. Both the factories are managed by the same Managing Director. It was admitted by management in written statement submitted before the Labour Officer which is Ex.W-1 that the workman was employee of M/s. Corocraft Papers which has been closed. It is, therefore, clear that the services of the workman were terminated due to closure of M/s. Corocraft Papers Pvt. Ltd. He is, therefore, not entitled to claim reinstatement or re-employment. He can claim closure benefit from M/s. Corocraft Paper if he so desires and advised. He was never the employee of the respondent M/s. Corocraft Footwear. He is not entitled to any relief. The award is given accordingly.

Dated the 18th December 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 12, dated the 7th January, 1986

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.